

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

CHERYL ANN GRAGG,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:17-CV-110
(GROH)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge Michael John Aloï [ECF No. 14], entered on June 4, 2018, to which neither party filed objections.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the R&R to which objection is made. However, failure to file objections permits the district court to review the R&R under the standard that it believes to be appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979).

Pursuant to Magistrate Judge Aloï's R&R, as well as 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 6, objections were due within fourteen plus three days after entry of the R&R. Because no objections have been filed, this Court will review the R&R for clear error.

Upon review and consideration, is the opinion of the Court that Magistrate Judge Aloï's Report and Recommendation [ECF No. 14] should be, and is, hereby **ORDERED**

ADOPTED. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Plaintiff's Motion for Judgment on the Pleadings [ECF No. 9] is **GRANTED** and the Defendant's Motion for Summary Judgment [ECF No. 11] is **DENIED**. The Court further **ORDERS** that this matter be **REMANDED** for further action in accordance with the R&R.

Pursuant to Federal Rule of Civil Procedure 58, the Clerk is **DIRECTED** to enter a separate order of judgment in favor of the Plaintiff. The Clerk is further **DIRECTED** to transmit copies of this Order to all counsel of record herein.

It is so **ORDERED**.

DATED: June 26, 2018



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE